

September 13, 2019

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to the Second Amended Civil Case Management Plan and Scheduling Order entered in this action (“Scheduling Order”) (ECF No. 1014), Plaintiffs and Credit Suisse Securities (USA) LLC, Credit Suisse Group AG, and Credit Suisse AG (“Credit Suisse”) submit this joint status letter.

I. Future Proceedings

Pursuant to the Scheduling Order, on October 3, 2019, the parties will submit a joint letter outlining their positions on further pretrial proceedings following the Court’s class certification order.

II. Pending Motions

On August 28, 2019, Plaintiffs submitted to the Court two requests seeking leave to file under seal two Motions for Issuance of a Hague Convention Request for International Judicial Assistance to Take Testimony Overseas for witnesses Perry Stimpson and Anthony John. On September 11, 2019, the Court granted Plaintiffs’ redaction and seal requests concerning Perry Stimpson and directed Plaintiffs to submit the Hague Convention request to chambers in Microsoft Word format by September 25, 2019. The motion concerning Anthony John is pending.

III. Discovery

A. Depositions

Depositions of fact witnesses not affected by the DOJ stay are ongoing with depositions planned or taking place in the United States and abroad. Plaintiffs are continuing to negotiate with the DOJ to limit the number of individuals affected by the stay. To date, Credit Suisse has taken 27 depositions of the Plaintiffs and/or their investment advisors. Plaintiffs have taken 31 depositions. Of the 31 depositions taken by Plaintiffs, nine witnesses invoked the Fifth Amendment protection against self-incrimination.

B. Credit Suisse

Audio: Credit Suisse began its rolling production of audio files on July 31, 2019. Following this initial production, on August 20, 2019, Plaintiffs raised an issue with Credit Suisse regarding the metadata that accompanied the production, as it materially differed from metadata

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that accompanied previously produced audio samples. Credit Suisse is conferring with its vendor regarding the discrepancy. The parties are continuing to meet and confer.

IV. Appeal of Order on Attorneys' Fees

On December 7, 2018, objector Keith Kornell ("Kornell") filed a notice of appeal of the Court's November 8, 2018 Opinion and Order granting attorneys' fees to Class Counsel. On April 2, 2019, Kornell filed his opening appeal brief. On May 14, 2019, Plaintiffs filed their opposition brief. Kornell did not file a reply brief, and the appeal is now fully briefed. Oral argument is on October 16, 2019.

V. Next Joint Status Letter

The parties will submit their next joint status letter on Friday, November 8, 2019.

Respectfully submitted,

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